

Official Transcript: Hassan Jallow (Part 12 of 15)



Role:	Chief Prosecutor
Country of Origin:	The Gambia
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Location:	Arusha, Tanzania
Interviewers:	Lisa P. Nathan Donald J Horowitz Batya Friedman
Videographer:	Nell Carden Grey
Interpreter:	None

Interview Summary

Hassan Jallow emphasizes the need for extra-legal responses to post-conflict reconciliation and calls for the involvement of local communities in the justice process. He discusses the challenges of prosecuting gender violence and its role as an act of genocide. Jallow refutes the notion that the Court has delivered 'victor's justice', drawing attention to an investigation into war crimes committed by RPF forces. He suggests that the process of holding leaders accountable is feasible at the international level.

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Part 12

- 00:00 **Batya Friedman: So in returning for a moment to the sexual assault cases, I'm inferring from what you've said that you think it's actually very important to prosecute for sexual assault . . .**
- 00:12 Very important, I think so, yeah.
- 00:14 **BF: . . . even though it may have it, its challenges, so I'm wondering if you can articulate a little bit more about why is that really important. So what if it would be possible to convict the people that, you know, most rose to the top of your list based on say massacres, on killings, and not touch the sexual assault at all?**
- 00:35 Just () violence.
- 00:36 **BF: Right. What, what would be at stake? Why would it, why is it important to pursue that?**
- 00:43 To pursue that.
- 00:44 **BF: And then also, given that view and thinking back from the beginning, okay, there's doing it sooner, but are there other lessons that you think other prosecutors, other tribunals should be aware of in order to be effective in doing that kind of prosecution?**
- 01:04 I mean sexual violence needs to be prosecuted. Because it's, first, it's se-, serious crime. It's a very serious crime. And its, its seriousness is reflected in the fact that when we negotiate guilty plea agreements here, an accused would rather plead guilty to genocide than to sexual violence.
- 01:23 It, it – the conviction for sexual violence carries with it, in their view, a greater stigma because of the seriousness of the offense itself. So, so we, we, we have not even been able to get anybody to plead guilty to, to sexual violence.
- 01:38 And I think secondly, also in the context of Rwanda itself, the violence is linked to genocide because the sexual violence was a tool of the genocide.
- 01:48 I mean rape, sexual assaults, ripping up wombs, you know, killing infants and so on, so it was a deliberate strategy to resort to sexual violence, to humiliate and to destroy that, that part of the population. And I think we should not ignore that fact just simply by prosecuting people for generally the offense of genocide.
- 02:09 It's also targeted at, at a weak-, weaker section of the, of the community and, and I think it's important that their plight is recognized specifically by addressing the, the offenses committed in, in relation to them. Then there is the, the possible deterrence value.
- 02:27 Look at the DRC now. DRC, the sexual, level of sexual violence there is, is just, you know, it's terrible at the moment. There're lots of things going on there but it continues and if, unless we, we make some, you know, significant impact in, in prosecuting people, getting

convictions for sexual violence and it is publicized, that sort of practice will continue to be part of these conflict situations – the DRC, Sudan, and so on and so forth.

02:55 So there are many reasons why we should. We, we've taken the trouble here to evaluate our record. It's a self-evaluation. It may not be all that objective. It's a self-evaluation. We evaluate our record of prosecution in sexual violence.

03:12 And as I said, we, we, even we ourselves have said we could have done better and we have now developed a, a manual on what we think are the best practices, the best methods to follow in dealing with this, this offense. It's in the stages of finalization and we hope to share it with all the other tribunals and practitioners who are, who are interested.